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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,747	03/25/2004	Carlos Cesar F. Araujo	RSW920040028US1	2576

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HOFFMAN WARNICK & D'ALESSANDRO, LLC  
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ALBANY, NY 12207

EXAMINER
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HO, ANDY

ART UNIT	PAPER NUMBER
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2194

MAIL DATE	DELIVERY MODE
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07/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/808,747

Applicant(s)

ARAUJO ET AL.

Examiner

Andy Ho

Art Unit

2194

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to the application filed 3/25/2004.
2. Claims 1-20 have been examined and are pending in the application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-14, 16 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawson U.S Patent No. 6,185,613.

**As to claim 1**, Lawson teaches a method of managing events in an information technology environment (Fig. 1), the method comprising:

receiving an event at a plurality of event servers (events received at servers, lines 14-35 column 8); and

processing the event using any one of the plurality of event servers, wherein the processing step comprises:

starting a transaction for processing the event (lines 19-38 column 12);

obtaining event data based on the event (event data, lines 39-54 column 12);

storing the event data in an event data store (store events in an event store, lines 12-28 column 18);

publishing the event (sending events to event consumers, lines 12-28 column 18); and

committing the transaction after the event is published (lines 29-65 column 18).

**As to claim 2**, Lawson further teaches receiving a subscription request for the event from an event consumer and processing the subscription request using any one of the plurality of event servers (line 45 column 8 to line 9 column 9).

**As to claim 3**, Lawson further teaches: receiving the event data at an event consumer and processing the event data using the event consumer (lines 48-67 column 27).

**As to claim 4**, Lawson further teaches managing the plurality of event servers based on at least one of availability, scalability, and load balance for the information technology environment (lines 46-60 column 9).

**As to claim 5**, Lawson further teaches generating the event at an event source and communicating the event from the event source to the plurality of event servers (Fig. 5 and associated specifications).

**As to claim 6**, Lawson teaches a method of managing events in an information technology environment, the method comprising:

receiving an event from an event source (events received at servers, lines 14-35 column 8);

processing the event using any one of a plurality of stateless event servers (lines 19-38 column 12); and

providing event data for the event to an event consumer (sending events to event consumers, lines 12-28 column 18).

**As to claims 7-9**, they are methods claims of claims 4-5 and 2, respectively. Therefore, they are rejected for the same reasons as claims 4-5 and 2 above.

**As to claims 10-11**, they are method claims of claim 1. Therefore, they are rejected for the same reasons as claim 1 above.

**As to claim 12**, Lawson teaches a system for managing events in an information technology environment, the system comprising:

an event data store for storing event data for an event (store events in an event store, lines 12-28 column 18); and

a plurality of stateless event servers (event servers, lines 14-35 column 8), wherein each stateless event server includes:

a subscription system for processing a subscription request for the event (line 45 column 8 to line 9 column 9);

a communication system for receiving the event (events received at servers, lines 14-35 column 8); and

a processing system for processing the event (lines 19-38 column 12).

**As to claim 13**, Lawson further teaches a transaction system for managing a transaction within which the event is processed (lines 19-38 column 12);

a data system for obtaining event data based on the event (event data, lines 39-54 column 12); and

a publish system for publishing the event (sending events to event consumers, lines 12-28 column 18).

**As to claim 14**, Lawson further teaches an event consumer for processing the event data, wherein the communication system further communicates event data to the event consumer (lines 48-67 column 27).

**As to claim 16**, it is a system claim of claim 5. Therefore, it is rejected for the same reasons as claim 5 above.

**As to claim 19**, it is a computer program product claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above.

**As to claim 20**, it is a computer program product claim of claims 2 and 5. Therefore, it is rejected for the same reasons as claims 2 and 5 above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawson in view of Griffin U.S Publication No. 2004/0068568.

**As to claim 15**, Lawson does not teach event communication using JMS.

Griffin teaches an event communication system wherein JMS is used to exchange information (paragraph 0032 page 3). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Lawson reference to include the teachings of Griffin reference because by using JMS, the system could exchange events between different software components, as disclosed by Griffin (paragraph 0032 page 3).

**As to claim 17**, it is a system claim of claim 15. Therefore, it is rejected for the same reasons as claim 15 above.

**As to claim 18**, Griffin further teaches J2EE application executing on a Websphere Application Server (paragraph 0032 page 3). Note the discussion of claim 15 above for the reason of combining references.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or' Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.
- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

A.H  
July 23, 2007

